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*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

ALPENTAL ENERGY PARTNERS, LLC,  
a Utah limited liability company,

**RESPONSE TO ORDER TO SHOW  
CAUSE**

Plaintiff,

v.

RCM INTERNATIONAL, LLC,

Defendant.

Case No. 2:12-cv-01060-DB

Judge Dee Benson

Plaintiff Alpental Energy Partners, LLC (“Alpental”), by and through counsel and pursuant to the Court’s April 4, 2016, Order to Show Cause, submits this statement informing the Court of the status of this case and Alpental’s intention to proceed with it.

On May 1, 2013, this Court entered an order (the “Order”) staying this lawsuit pending the outcome of Case No. RG-12-640599, *RCM International, LLC v. Alpental Energy Partners, LLC et al.* (the “California Lawsuit”), which is being litigated in the Superior Court for the State of California, Alameda Division (the “California Court”). Alpental and Defendant RCM International, LLC (“RCM”) have honored the stay this Court imposed.

The California Lawsuit has been extensively litigated. RCM, as the plaintiff in the California Lawsuit, has added two new defendants: Blue Mountain Biogas, LLC (“BMB”) and AEPGEO No. 1, LLC (“AEPGEO” and, collectively with BMB and AEPGEO, the “California Defendants”). Several trial dates have been set, but each of them has been reset. The Court found that RCM improperly delayed in disclosing certain information relative to its claims, which prevented trial from proceeding in August 2015. Per order dated July 30, 2015, RCM’s fact and expert discovery deadlines were deemed already expired, but the California Defendants were permitted to conduct fact discovery until December 1, 2015, and disclose experts on December 15, 2015. Presently, trial is set to begin on August 29, 2016.

Alpental intends to proceed with this lawsuit. Through the course of discovery and based upon numerous factors, including RCM’s disclosures in the California Lawsuit, it is now plain that the California Lawsuit is not parallel to this lawsuit. Based upon those post-Order developments, Alpental intends to file a motion to lift the stay the Court imposed. In any event, following the conclusion of the California Lawsuit, there will still be substantial issues to be litigated as between Alpental and RCM in this lawsuit, and Alpental fully intends to litigate those issues to their conclusion.

Alpental therefore requests that the Court not dismiss this lawsuit, but to continue to honor its stay until such time as Alpental’s expected motion to lift the stay is granted or litigation regarding the California Lawsuit is otherwise complete.

DATED this 18th day of April, 2016.

BENNETT TUELLER JOHNSON & DEERE

/s/ Daniel K. Brough \_\_\_\_\_

Barry N. Johnson  
Jared L. Inouye  
Daniel K. Brough  
James C. Dunkelberger

*Attorneys for Plaintiff*

**CERTIFICATE OF SERVICE**

I certify that on the 18th day of April, 2016, I caused a true and correct copy of the foregoing **RESPONSE TO ORDER TO SHOW CAUSE** to be filed with the CM/ECF system, which caused the filed document to be served electronically upon the following:

Brinton M. Wilkins  
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P.O. Box 45120  
Salt Lake City, UT 84145-0120

/s/ Daniel K. Brough

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